

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO.20460 OF 2002

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ORDER:

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This writ petition has been filed by Matsya Kara Mahila Samkshema Sangham, a Society registered under Societies Act XXI of 1860, represented by its President Smt.Sangani Satyavathi.

The President of the Society has given her sworn affidavit in support of the writ petition. The case of the writ petitioner as stated in the writ affidavit be summarized in brief as follows:-

On 06.11.1996, thousands of people lost their lives in cyclone particularly in coastal areas of East Godavari, West Godavari, Krishna, Nellore & Prakasam Districts. In East Godavari itself, 1600 fishermen lost their lives. Government issued G.O.Rt.No.1815 dated 15.11.1996 sanctioning Rs.1,00,000/- to the kith and kin of the each of persons, who lost their lives in the cyclone. Subsequently, the amount has been enhanced to Rs.2,00,000/- for one family irrespective of the number of deaths in the family. When the Commissioner for Relief, Revenue Department, Government of Andhra Pradesh, Hyderabad contemplated for clubbing the insurance claim amounts payable under the Centrally Sponsored "Group Accident Insurance Scheme for Active Fishermen" with the ex-gratia awarded to the kith and kin of the persons who lost their lives in the cyclone, the Society filed the present writ petition assailing the said action.

The first respondent filed counter affidavit. It is stated in the counter affidavit that the Government vide G.O.Ms.No.466 Revenue (Relief.I) Department dated 31.05.1997 sanctioned relief of Rs.1,00,000/- to the next kith and kin of the family in case of each

death is accepted, with the following terms and conditions;

- a. *"A ceiling of Rs.2,00,000/- (Rupees Two Lakhs Only) per family is fixed, even if number of deaths is more in the same family*
- b. *An undertaking has to be submitted by the legal heirs, who received the exgratia, that they shall refund the amount with interest, in case if it is found to be false claim. A surety from the local elder who certified the person missing/dead for the exgratia amount is to be obtained*
- c. *A Gazette notification shall also be issued simultaneously declaring that these persons were missing. In case any missing persons were found noticed, the local people should inform the District Administration/Government. The person, who inform about the missing persons shall be rewarded*
- d. *Further it was directed to deduct Rs.5,000/- already paid*
- e. *To depute police teams to verify the genuiness of the missing persons."*

The Government vide Fax No.21190/Relief.I/97-2 dated 05.06.1997 issued instructions to deduct the insurance amount while sanctioning the Exgratia of Rs.1,00,000/-. Accordingly, an amount of Rs.65,000/- was paid, excluding Insurance amount at the rate of 35,000/-, each to 1279 persons towards exgratia, vide E.G.Collector's proceedings Ref.No.A10/8077/96, dated 30.06.1997. It is further stated in the counter affidavit that the Government, vide G.O.Rt.No.588 Revenue (Relief.I) Department, dated 10.07.1997, while sanctioning exgratia at the rate of Rs.1,00,000/- each to the families of 30 additional missing fishermen, subject to the conditions laid down in G.O.Ms.No.466 dated 31.05.1997, informed that an amount of Rs.1,00,000/- is inclusive of Insurance benefit, if any. Since the eligible amount of Rs.1,00,000/- has already been paid, it is not at all reasonable to construe that the action of the Government is illegal and contrary to Article 21 of the Constitution of India.

Heard the learned counsel for the petitioner and the learned Government Pleader for

Revenue appearing on behalf of the respondents.

The learned counsel for the petitioner submitted that the amount payable under “Group Accident Insurance Scheme for Active Fishermen” cannot be deducted from the compensation payable under various G.Os issued by the Government. Whereas the learned Government Pleader for Revenue appearing for respondents submits that the writ petition filed by the Society is not maintainable since the claim of each member is required to be settled separately.

It is not in dispute that fishermen are covered under the scheme called as National Fishermen Benefit Group Accident Insurance Scheme. Rules have been framed under the said scheme called as ‘FISHCOPFEDs’ Centrally Sponsored Group Accident Insurance Scheme-Rules. Under the Rules, each member is required to pay the premium. When once the premium is paid by the member and is covered under the scheme, he/his kith and kin are entitled to claim the benefit under the scheme. It is for the individual person to submit an application and claim the benefit under the scheme and not for the Society.

Giving liberty to the individual members to submit their claims under the scheme called “Group Accident Insurance Scheme for Active Fishermen,” this writ petition is disposed of. No costs.

B.SESHASAYANA REDDY J.,

Dt.23.08.2005

c.c.in two days.

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